



#17/NO.A.

09/477,977

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John H. Burton et al.

Examiner: R. Kearney

Serial No.: 09/477,977

Group Art Unit: 3739

Filed: January 5, 2000

Docket: 825.001US2

Title: IMPLANTABLE DEVICE AND METHOD FOR ADJUSTABLY  
RESTRICTING A BODY LUMEN

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SEP 16 2002  
TECHNOLOGY CENTER R3700

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**BOX AF**

Commissioner for Patents  
Washington, D.C. 20231

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In compliance with 37 C.F.R. § 1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 5, 2002, of the Examiner rejecting claims 1-24, 26-37, 39 and 40 of the above-identified patent application.

A request for an extension of time to respond to the Examiner's rejection is submitted herewith along with payment of the required extension fee.

Our check in the amount of \$160.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b). Please charge any required additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN H. BURTON ET AL.

By Applicants' Attorneys,

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Date

Sep. 5, 2002

By

Timothy E. Bianchi  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: BOX AF, Commissioner for Patents, Washington, D.C. 20231, on this 5th day of September, 2002.

Anne M. Richards  
Name

Signature